



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/982,457

10/17/2001

Johnson Jiahui Qin

2705-0703

7400

73552

7590

07/29/2008

Stolowitz Ford Cowger LLP  
621 SW Morrison St  
Suite 600  
Portland, OR 97205

EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2153

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/982,457	QIN, JOHNSON JIAHUI	
	<b>Examiner</b>	<b>Art Unit</b>	
	AARON STRANGE	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-26,28-31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13,26,28-31,33 and 34 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,20,21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 14-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendments to the specification are sufficient to provide antecedent basis for the term "computer usable medium". Accordingly, the objection to claim 31 has been withdrawn.
2. Applicant's amendments to claim 26 are sufficient to overcome the previous rejection of claims 26 and 28-30 under 35 U.S.C. § 102. Accordingly, that rejection has been withdrawn.
3. Applicant's amendments to claim 20 are sufficient to overcome the rejection presented under 35 U.S.C. § 101. Accordingly, that rejection has been withdrawn.
4. Applicant's amendments to claims 1, 3-26 and 33-34 are sufficient to overcome the rejection of claims 4, 5, 10-13, 15-25, 33 and 34 under 35 U.S.C. § 101. Accordingly, that rejection has been withdrawn.
5. With regard to claims 1 and 20, it is noted that the amendments to these claims do not incorporate all of the subject matter found allowable in claims 9 and 31. The subject matter that has been incorporated is insufficient to place the claims in condition for allowance. These claims have been rejected below.

***Claim Rejections - 35 USC § 103***

6. Claims 1, 3-6, 8, 20, 21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edd et al. (US 7,325,193) in view of Ginter et al. (US 5,892,900).

7. With regard to claim 1, Edd discloses an automated software distribution method comprising:

determining whether a registered user of a software distribution system is authorized to perform internal software development activity corresponding to one or more software projects in the software distribution system (users must be authorized to create content)(col. 7, ll. 46-48), where the internal software development activity includes:

populating the software distribution system with data associated with the downloadable software including at least product release information corresponding to the downloadable software (documents have associated publication dates)(col. 10, l. 29; col. 12, ll. 12-16) or packaging information that maps the downloadable software to a displayable image corresponding to the downloadable software,

receiving requisite supervisory authorization to proceed with a publication of the downloadable software, where the requisite supervisory authorization indicates a manager of the software distribution system, other than the registered user, approved the publication of the downloadable software (content is reviewed by one or more supervisory parties prior to approval for publication)(col. 8, ll. 40-48; col. 10, l. 53 to col. 11, ll. 30), and

publishing the downloadable software to the software distribution system according to the data populated in the software distribution system, the publishing performed responsive to receiving the requisite supervisory authorization to proceed with the publication (content is promoted after approval is complete)(col. 7, ll. 48-53; col. 12, ll. 34-58).

Edd fails to specifically disclose determining whether a user is entitled to download software from the software distribution system because the registered user provided financial consideration for the software to be downloaded and wherein the user downloads software when entitled to do so.

Ginter discloses a similar system for controlling distribution of software and other electronic information (Abstract). Ginter teaches determining whether a user is authorized (col. 316, ll. 6-29) to download software from a software distribution system (col. 7, ll. 50-57), wherein authorization is given if the user provided financial consideration for the software to be downloaded (col. 316, ll. 35-41). This would have been an advantageous addition to the system disclosed by Edd since it would have permitted software providers to charge for access to the provided software, And prevented unauthorized users from downloading the software.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to determine whether a user has paid for software to be downloaded prior to allowing the download to occur, to ensure that the provider of the software is compensated for the downloaded software.

Art Unit: 2151

8. With regard to claims 3 and 4, Edd further discloses:

receiving a request to access the software distribution system (users access the content management system to update/create software for distribution)(col. 7, ll. 15-20), wherein the request is received from an internal user via an internal LAN and/or an external user via the Internet (col. 6, ll. 1-25).

9. With regard to claim 5, Edd further discloses granting the registered user access to one or more software projects stored in an internal storage device(files are stored on mass storage component of the content management system)(fig. 2, 35; col. 6, ll. 29-36).

10. With regard to claim 6, Edd further discloses granting the registered user access to one or more software projects to download software code, make changes to the downloaded software, and upload the modified software to the software distribution system (pre-existing documents may be modified and uploaded again)(col. 17, ll. 16-21).

11. With regard to claim 7, Edd further discloses that the system is engaged in an electronic commerce environment (content may be directed to advertising, pricing, etc).

Art Unit: 2151

12. With regard to claim 8, Edd further discloses that a software transaction process is utilized (author and content management system interact with each other to create content)(col. 9, l. 64 to col. 10, l. 51).

13. Claim 20 is rejected under the same rationale as claim 1, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

14. Regarding claim 21, Edd further discloses means for organizing software distribution information with software distribution framework (SWDF) modules that manage the software distribution information and activities in accordance with SWDF models (information about content is organized into records)(col. 9, ll. 27-29).

15. Regarding claim 23, Edd further discloses that the software distribution information is tracked and manipulated by means for indicating classes, attributes and operations (information such as status is updated throughout each stage)(col. 8, l. 64 to col. 9, l. 18).

16. Regarding claim 24, Edd further discloses means for managing different areas of framework information including user information, authorization information, software information, configuration information, commerce information, publication information,

Art Unit: 2151

and distribution information (control management document contains numerous fields for managing the above information)(col. 10, ll. 20-51; fig. 4A-4C).

17. Regarding claim 25, Edd further discloses a link database table is a persistent storage for the relationship of two objects (links between objects are stored in databases)(col. 9, ll. 30-37).

### ***Allowable Subject Matter***

18. Claims 14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claims 9-13, 26, 28-31, 33 and 34 are allowed.

### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/982,457

Page 9

Art Unit: 2151

/A. S./

Examiner, Art Unit 2153

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151